



Sen. Heather A. Steans

Filed: 3/11/2011

FISCAL NOTE ACT
MAY APPLY

09700SB0839sam002

LRB097 04587 KTG 52817 a

1 AMENDMENT TO SENATE BILL 839

2 AMENDMENT NO. _____. Amend Senate Bill 839 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 1-109, 2-104,
6 3-600, 3-610, and 3-809 as follows:

7 (405 ILCS 5/1-109) (from Ch. 91 1/2, par. 1-109)

8 Sec. 1-109. "Discharge" means the full physical release
9 from a mental health facility of any person admitted or
10 otherwise detained under this Act from treatment,
11 habilitation, or care and custody.

12 (Source: P.A. 80-1414.)

13 (405 ILCS 5/2-104) (from Ch. 91 1/2, par. 2-104)

14 Sec. 2-104. Every recipient who resides in a mental health
15 or developmental disabilities facility shall be permitted to

1 receive, possess and use personal property and shall be
2 provided with a reasonable amount of storage space therefor,
3 except in the circumstances and under the conditions provided
4 in this Section.

5 (a) Possession and use of certain classes of property may
6 be restricted by the facility director when necessary to
7 protect the recipient or others from harm, provided that notice
8 of such restriction shall be given to all recipients upon
9 admission.

10 (b) The professional responsible for overseeing the
11 implementation of a recipient's services plan may, with the
12 approval of the facility director, restrict the right to
13 property when necessary to protect such recipient or others
14 from harm.

15 (c) When a recipient or a respondent is discharged from the
16 mental health or developmental disabilities facility, all of
17 his or her lawful personal property which is in the custody of
18 the facility shall be returned ~~to him~~.

19 (Source: P.A. 80-1414.)

20 (405 ILCS 5/3-600) (from Ch. 91 1/2, par. 3-600)

21 Sec. 3-600. A person 18 years of age or older who is not
22 currently physically present at the facility and who is subject
23 to involuntary admission on an inpatient basis and in need of
24 immediate hospitalization may be admitted to a mental health
25 facility pursuant to this Article.

1 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

2 (405 ILCS 5/3-610) (from Ch. 91 1/2, par. 3-610)

3 Sec. 3-610. As soon as possible but not later than 24
4 hours, excluding Saturdays, Sundays and holidays, after
5 admission of a respondent pursuant to this Article, the
6 respondent shall be examined by a psychiatrist. The
7 psychiatrist may be a member of the staff of the facility but
8 shall not be the person who executed the first certificate. If
9 a certificate has already been completed by a psychiatrist
10 following the respondent's admission, the respondent shall be
11 examined by another psychiatrist or by a physician, clinical
12 psychologist, or qualified examiner. If, as a result of this
13 second examination, a certificate is executed, the certificate
14 shall be promptly filed with the court. If the certificate
15 states that the respondent is subject to involuntary admission
16 but not in need of immediate hospitalization, the respondent
17 may remain in his or her place of residence pending a hearing
18 on the petition unless he or she voluntarily agrees to
19 inpatient treatment. If the respondent is not examined or if
20 the psychiatrist, physician, clinical psychologist, or
21 qualified examiner does not execute a certificate pursuant to
22 Section 3-602, the respondent shall be immediately discharged
23 ~~released forthwith~~.

24 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

1 (405 ILCS 5/3-809) (from Ch. 91 1/2, par. 3-809)

2 Sec. 3-809. If the respondent is not found subject to
3 involuntary admission on an inpatient or outpatient basis, or
4 there has been a failure to fully comply with the procedures of
5 this Code, the court shall dismiss the petition and order the
6 respondent discharged. If the respondent is found subject to
7 involuntary admission on an inpatient or outpatient basis, the
8 court shall enter an order so specifying. If the court is not
9 satisfied with the verdict of the jury finding the respondent
10 subject to involuntary admission on an inpatient or outpatient
11 basis, it may set aside such verdict and order the respondent
12 discharged or it may order another hearing. Absent a new
13 petition filed prior to the entry of the court's order and
14 subject to the mandates of this Code, there shall be no
15 exception to the respondent's full discharge absent the
16 respondent's request to remain at the facility as an informal
17 or voluntary recipient.

18 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)".